

## REGENTS BOARD[681]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby gives Notice of Intended Action to amend Chapter 5, “State Hygienic Laboratory,” to rescind Chapter 12, “University of Iowa Organization and General Rules,” and to adopt new Chapter 12 with the same title, and to amend Chapter 14, “University of Northern Iowa Organization and General Rules,” and Chapter 16, “Iowa School for the Deaf Organization and General Rules,” Iowa Administrative Code.

The amendments in Items 1, 2 and 3 update Chapter 5 pertaining to the State Hygienic Laboratory. The amendments clarify the mission of the laboratory, who may submit specimens for analysis, and the process for waiving or deferring fees. The amendment in Item 4 rescinds Chapter 12 in its entirety and adopts a new chapter containing updated rules for the University of Iowa. Existing Chapter 12 has become outdated and does not reflect the current administrative organization of the University. New Chapter 12 also updates references to the University’s Operations Manual and provides links to current practices and procedures. Items 5 and 6 update Chapter 14 pertaining to the University of Northern Iowa to reflect the current mission and administrative structure of UNI. Items 7 to 10 update Chapter 16 to reflect the mission and the current administrative structure and processes of the Iowa School for the Deaf.

Any interested person may make written comments on these amendments on or before November 22, 2011, addressed to Marcia Brunson, Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905; fax (515)281-6421; or E-mail [mbruns@iastate.edu](mailto:mbruns@iastate.edu).

A waiver provision is not included. The Board has adopted a uniform waiver rule, which may be found at 681—19.18(17A).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 262, 263, 268 and 270.

The following amendments are proposed.

ITEM 1. Amend rule 681—5.1(263) as follows:

#### **681—5.1(263) Scope of services.**

**5.1(1) *Scientific.*** ~~The laboratory provides analytical and reference services primarily in the areas of communicable disease control and in the assessment of environmental quality, surveillance information, disaster and terrorism response, population data, microbiological and chemical examinations and other investigations in the areas of disease, newborn and maternal screening, fieldwork and the assessment of environmental quality.~~

**5.1(2) *Consultative.*** ~~The professional staff of the laboratory is available for consultative assistance to persons with interest or involvement in public health provide regulatory review, consultative assistance, and data interpretation and evaluation of environmental effects and scientific needs to persons, agencies, and organizations with interest or involvement in public and environmental health.~~

**5.1(3) *Training Education and training.*** ~~Facilities and staff of the laboratory are available for the training of laboratorians, environmentalists, and public health specialists as the need arises through workshops, seminars, and individualized instruction. As part of the laboratory’s academic mission, staff of the laboratory provide education and training for professional colleagues, educators, students, citizens, policymakers and anyone interested in public and environmental health through appropriate educational methods including, but not limited to, workshops, seminars, and individualized instruction.~~

**5.1(4) *Applied research.*** The laboratory conducts scientific and management research designed to solve practical problems and to translate basic research to improve public and environmental health.

ITEM 2. Amend subrule 5.2(2) as follows:

**5.2(2) *Who may submit specimens.***

*a.* to *d.* No change.

*e.* Other state agencies, institutions, and municipalities may submit specimens, generally under a contractual arrangement if the submission is to be of a regular ~~and~~ or routine nature.

*f.* No change.

*g.* Private individuals may submit specimens to ~~determine the suitability and safety of private water supplies only when collected and received according to conditions prescribed by the laboratory and accompanied by the appropriate fee~~ address infectious disease or environmental concerns.

*h.* Privately owned industries and businesses may submit specimens for environmental studies by prior arrangement with the laboratory on a fee-based contractual basis.

*i.* No change.

*j.* Any agency, organization, business or individual impacted by a natural disaster may submit specimens that require biological or environmental testing to assure health and safety.

*k.* First responders, hazmat teams, the Radiological Emergency Response Team, the 71st Civil Support Team, the FBI, the United States Postal Service and any other officially recognized law enforcement or terrorism response agency may submit samples for identification and confirmation of potential weapons of mass destruction (WMD) according to the Iowa Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Response Protocol.

ITEM 3. Amend rule 681—5.3(263) as follows:

**681—5.3(263) Charges.**

**5.3(1)** ~~Specimens examined free of charge~~ for which the fee may be waived or deferred:

*a.* No change.

*b.* Specimens submitted under statutory authority by state agencies or designees of state agencies which are involved in investigations or episodes challenging the health of the public or the quality of the environment. Expenses caused by emergency testing may be eligible for subsequent reimbursement.

*c.* Any specimen when there is probable cause that a direct threat to public health exists. Such tests may qualify for subsequent reimbursement.

*d.* Specimens submitted related to the confirmation or identification of potential weapons of mass destruction (WMD) according to the Iowa Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Response Protocol.

**5.3(2)** Specimens for which fees are charged:

*a.* to *c.* No change.

*d.* Specimens not covered by statute, by rules of the state department of health, by rules of the natural resources department or in this subrule, may be examined and charged for at rates to be determined by the ~~state board of regents laboratory~~ subject to any limitations imposed by law.

~~This rule is~~ These rules are intended to implement Iowa Code chapter 263.

ITEM 4. Rescind 681—Chapter 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12

UNIVERSITY OF IOWA ORGANIZATION AND GENERAL RULES

**681—12.1(262) Statement of university mission.** The University of Iowa is a comprehensive public university with the mission to provide the highest quality undergraduate, professional, graduate, and continuing education and patient care. To fulfill this mission, the university engages in teaching; research; professional, public, and clinical services; and appropriate extension.

**681—12.2(262) Officers.** The university has three statutory officers: president, secretary, and treasurer. The president is the chief administrative officer of the university and has such authority and duties as have been delegated by the board of regents.

**681—12.3(262) Organization/administration.**

**12.3(1)** The academic mission of the university, to provide undergraduate, graduate, professional and continuing education, is carried out principally by the faculty and staff of the University of Iowa's eleven colleges: business, dentistry, education, graduate college, law, liberal arts and sciences, medicine, nursing, pharmacy, public health, and university college. The dean of each college is its chief administrative officer. The university's patient care mission is carried out principally by University of Iowa Health Care, the university's academic medical center.

**12.3(2)** A detailed listing of the university's administrative units is shown on the organizational chart at the following Web site: <http://www.uiowa.edu/~our/opmanual/app/a01ui.pdf>.

**12.3(3)** Additional information regarding the university's administration can be found at the following Web site: <http://www.uiowa.edu/homepage/fac-staff/administration.html>.

**681—12.4(262) University operations manual.** The university's operations manual contains policies and procedures governing the internal operations of the university. It is available for review at the following Web site: <http://www.uiowa.edu/~our/opmanual/>. The operations manual is printed annually, and a copy is available for public review at the university's main library.

**681—12.5(262) Contracting authority.** Except for authority retained by the board of regents in 681—8.2(262) or in the Regents Policy Manual, the board of regents has delegated to the president authority to make contracts and agreements as specified in 681—Chapter 8. Pursuant to and in accordance with that delegation, the president has further delegated contracting authority as outlined in the university's operations manual, part V, chapter 6. This delegated contracting authority is available for review at the following Web site: <http://www.uiowa.edu/~our/opmanual/v/06.htm>.

**681—12.6(262) No-smoking policy.** In accordance with the Iowa smokefree air Act (Iowa Code chapter 142D), the University of Iowa has adopted a smoke-free campus policy, which is incorporated by reference herein. The policy, together with campus boundary maps, is available at the following Web site: <http://www.uiowa.edu/~our/opmanual/v/35.htm#355>.

**681—12.7(262) Alcoholic beverage policy.** Alcoholic beverages may be consumed, served and sold in those areas of the University of Iowa as may be designated by the university but only in compliance with all existing university policies which are incorporated by reference herein, including, but without limitation, the alcoholic beverage service guidelines and procedures at the following Web site: <http://www.uiowa.edu/~our/opmanual/v/26.htm> and the guidebook for university housing at the following Web site: <http://housing.uiowa.edu/res-hall-guidebook/>.

**681—12.8(262) Communication, marketing, and public relations.** Inquiries, submissions, and requests should be addressed to the Office of the Vice President for Strategic Communication, The University of Iowa, 300 Plaza Centre One, Iowa City, Iowa 52242, or to the Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905. Generally, inquiries, submissions, and requests from the public (other than applications for admission or employment) should be submitted either in writing or by E-mail.

**681—12.9(262) Merit system employee grievances.** For purposes of the grievance procedure set forth in 681—12.10(262) and 681—12.11(262), "employee" means a merit system employee who has completed the six-month probationary period and is presently employed or who has been dismissed within the previous one-year period.

Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage

levels) or the provisions of the merit system rules, other than disputes whose resolution is provided for in 681—3.127(19A) and 681—3.128(19A), will be resolved in accordance with this procedure, which has been approved by the merit system director in accordance with 681—subrule 3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal orally at Step 1 and in writing at Steps 2 and 3. The university may permit an oral presentation at Steps 2 and 3 if deemed necessary.

**681—12.10(262) Grievance procedure.**

**12.10(1)** An employee who has a grievance and wishes to use the grievance procedure must initiate Step 1 within 21 calendar days from the date of the discovery of the grievance. No grievance may be filed later than one year from the occurrence of the event which gave rise to the grievance.

**12.10(2)** An aggrieved employee has the right to be accompanied by no more than two representatives throughout the grievance procedure. The names of such representatives will be noted on written grievances and each subsequent request for review.

**12.10(3)** An aggrieved employee is allowed reasonable time off from regular university duties without loss of pay to investigate and process a grievance. The immediate supervisor of the employee shall make suitable arrangements.

**12.10(4)** The aggrieved employee may also request released time from work without loss of pay for such representative or representatives to investigate a grievance at any time following the oral presentation in Step 1 of the grievance procedure, except that the aggrieved employee and representative are allowed up to one hour off from regular university duties without loss of pay to confer before any grievance hearing held under the grievance procedure.

*a.* Any request for time off for a grievant's representative is made in writing to the representative's supervisor, with an informational copy sent to the director of personnel, and should contain an indication of the reason released time is necessary. The representative's supervisor shall provide a reasonable bona fide amount of released time for the investigation, such time being scheduled as soon as reasonably possible and preferably within the same work day, consistent with the normal functioning of the employee's department.

*b.* It is a violation of institutional policy to restrain, interfere with, coerce, or discriminate against an employee acting as a grievant's representative in accordance with this procedure.

*c.* An employee acting as a grievant's representative shall not use time provided for grievance investigation for other matters and shall conduct the investigation with dispatch.

**12.10(5) Steps in the grievance procedure.**

*a.* The grievance procedure consists of the following four steps:

(1) Step 1. An aggrieved employee states in writing that a grievance is being presented and then presents the grievance orally, providing to the employee's immediate supervisor the pertinent circumstances of the complaint or dispute and the actions requested. The supervisor responds in writing to the grievance within seven calendar days. In the response, the supervisor states the supervisor's understanding of the grievance, the response to the grievance, and justification for the response. If a satisfactory settlement is not reached, the employee has seven calendar days to request Step 2.

(2) Step 2. If the employee requests Step 2, a written grievance is forwarded by the aggrieved employee to the administrative head of the unit or department within seven calendar days. The administrative head of the unit or department or designee has ten calendar days to reply in writing. If satisfactory settlement is not reached, the employee has seven calendar days to request Step 3.

(3) Step 3. If the employee decides to request Step 3, the written grievance is forwarded by the aggrieved employee to the head of the major functional or administrative unit of the university with a copy sent to the office of vice president for human resources. A meeting shall be held within ten calendar days after the grievance has been submitted to the head of the major functional or administrative unit. The university may be represented by the office of vice president for human resources, the head of the major functional or administrative unit or designee, and the administrative personnel involved in Steps 1 and 2. The aggrieved employee has the right to be accompanied by representatives. The head of

the major functional or administrative unit shall respond in writing within seven calendar days. If a satisfactory settlement is not reached, the employee has seven calendar days to proceed to Step 4.

(4) Step 4. If the employee is not satisfied with the decision rendered under Step 3, a hearing before an arbitrator may be requested within seven calendar days following receipt of the Step 3 decision.

1. Such a request shall be in writing and include all of the information included in the initial grievance and subsequent appeals, all of the decision related thereto, and any other pertinent information the employee wishes to submit.

2. The appeal shall be signed and dated by the employee and shall be directed to the Merit System Director, State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905, who will arrange for a hearing before an arbitrator. The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

b. A written grievance shall contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It shall specify the university or merit system rule which has allegedly been violated and shall state the corrective action desired by the employee.

c. Presentations, reviews, investigations and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings shall not suffer loss of pay as a result thereof.

d. If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by this rule, the decision shall become final. If a university representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed by this rule may be extended.

**681—12.11(262) Appeals.** The board of regents shall approve the use of a single arbitrator in hearing an appeal.

**12.11(1)** The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service.

**12.11(2)** The arbitrator shall hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

**12.11(3)** The arbitrator establishes procedures for the conduct of the hearing in a fair and informal manner that affords each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other.

**12.11(4)** The arbitrator will be expected to render a decision to the involved parties and to the board of regents within the prescribed time.

These rules are intended to implement Iowa Code chapter 262.

ITEM 5. Amend rule 681—14.1(262) as follows:

**681—14.1(262) Organization.**

**14.1(1) *Statement of university mission.*** The University of Northern Iowa at Cedar Falls is recognized as having a mission of sufficient scope to enable it to be a distinguished arts and sciences university with an outstanding teacher professional programs in education program and business. It provides leadership in the development of programs for the preservice and in-service preparation of teachers and other educational personnel for schools, colleges, and universities. The institution offers undergraduate and graduate programs and degrees in the liberal and practical arts and sciences, including selected areas of technology. It offers preprofessional programs and conducts research and extension community outreach programs to strengthen the educational, social, cultural, and economic development of Iowa and the larger community. ~~Evolution from a state college to a university entailed a broadening of offerings, development of more specialized undergraduate and graduate programs, and greater emphasis on research and public professional services.~~

It is imperative that the quality of the university's instruction be maintained and enhanced through increasingly strong emphasis on: (1) general or liberal arts education as the most essential ingredient for the undergraduate student; (2) the central importance and complementary relationship of teaching and

research; (3) enrichment of instruction through extensive clinical, laboratory and field experiences; and through experiential learning, community engagement, and independent study; and (4) development of the life of the university community itself as an effective educational force. In order to serve students of all ages and to be responsive to their needs and preferences and to the needs of society, it is imperative that the university offer a variety of programs in such areas as liberal arts, education, business, social work, and technology. It will offer no major programs in agriculture, architecture, dentistry, engineering, forestry, hospital administration, law, pharmacy, medicine, or veterinary medicine.

In the area of teacher preparation, the university must remain at the forefront of developments in the field of education and be prepared to offer instruction in new areas required by society. Furthermore, UNI should be more than merely responsive to changing needs and interests of its students and society. It must provide leadership in educational innovations, programs, and research.

Future programs will be determined by the continuing study of existing programs and of developing needs. Programs will be curtailed or eliminated when the assessment of need and resources indicates that resources could better be devoted to other programs. The university approaches the addition of new programs with considerable caution. Generally, new programs are fashioned out of existing programs in response to developing needs. However, if the university is to remain vital, it must consider at the appropriate time the development of some new programs that fall within its general mission and meet the new needs of students and of society.

**14.1(2) Officers.** The university has three statutory officers: president, secretary, and treasurer. The president is the chief administrative officer of the university and has such authority and duties as have been delegated by the board of regents.

The president has nominated and the board of regents has appointed three vice presidents. The executive vice president and provost is acting president in the president's absence and is the chief academic officer of the university, having general administrative responsibility; under the president; for the educational program of the university. The vice president for student ~~services~~ affairs is responsible for the administration of all student services. The vice president for ~~administrative~~ administration and financial services serves as the chief fiscal officer of the university.

A detailed listing of the university units is shown on the organizational chart contained in the policies and procedures ~~manual~~ of the university.

**14.1(3) Operation.** In order to fulfill the academic mission of the university, the following academic units have been established: ~~school~~ college of business administration, college of education, graduate college, college of humanities and fine arts, college of natural sciences, and college of social and behavioral sciences.

The dean of each college is its chief administrative officer ~~and the director of the school of business is the chief administrative officer of the school~~. Academic departments function within the organizational structure of colleges ~~and the school of business~~. The executive officer of a department is the head, who is the chief administrative officer of an academic department.

**14.1(4) Policies and procedures ~~manual~~.** The university policies and procedures ~~manual contains the policies and procedures governing~~ govern the internal academic and administrative operations of the university. ~~It is~~ The policies and procedures are available for public inspection ~~in on the university library, the office of public information services, and in the office of the state board of regents~~ Web site.

ITEM 6. Amend rule 681—14.2(262) as follows:

**681—14.2(262) General rules.**

**14.2(1)** Sales persons or agents for any product, proposition, or cause are prohibited from soliciting employees or students in any building or part of the university property, except with the permission of the vice president for administration and ~~finance~~ financial services in the case of employees; or the vice president for ~~educational and student services~~ affairs in the case of the students.

**14.2(2)** Permission is granted in limited cases by the vice president for administration and ~~finance~~ financial services for the solicitation of employees by charitable organizations under all of the following circumstances:

a. to f. No change.

~~This rule is~~ These rules are intended to implement Iowa Code sections 70A.14, 70A.15, and 262.9.

ITEM 7. Amend subrule **16.1(1)**, second unnumbered paragraph, as follows:

The educational programs of the Iowa School for the Deaf will be consistent with the philosophy, reflected in federal and state legislation, that ~~handicapped disabled and nonhandicapped nondisabled~~ children and youth be educated together to the greatest extent possible. Thus, ISD assumes responsibility for providing an education for those hearing-impaired children and youth, including those with additional ~~handicaps~~ disabilities, for whom the comprehensive educational programs of the school are most appropriate.

ITEM 8. Amend subrules 16.1(2) to 16.1(5) as follows:

**16.1(2) Officers.** The school has two statutory officers: the superintendent and the secretary-treasurer.

The superintendent is the chief administrative officer of the school and has such authority and duties as delegated by the board of regents.

The secretary-treasurer is responsible for nonfaculty personnel, investments, financial transactions, financial records, maintenance of facilities and related services as delegated by the superintendent. The secretary-treasurer is also designated as business manager.

The superintendent has nominated and the board of regents has appointed a director of ~~education and four principals~~ business operations, a director of student life, and a director of facilities.

~~The director of education is the chief administrative officer of the instructional departments. The principal of each department is the administrative officer of the department.~~

**16.1(3) Organization.** The academic mission of the school is principally carried out through its ~~four elementary, middle school, and high school departments; elementary, upper elementary, high school, and vocational.~~

**16.1(4) Communications.** Written and personal inquiry, submissions and requests should be addressed to the Office of the Superintendent, Iowa School for the Deaf, ~~1600 South Highway 275 3501 Harry Langdon Blvd., Council Bluffs, Iowa 51503-7898, or the office of the Board of Regents, Old Historical Building, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322-7905.

Generally, inquiries, submissions and requests by the public may be submitted by informal letter. However, application for some purposes is to be made on a specified form. A list of the forms, general description, and the address where they may be obtained are found at ~~681—~~16.6(262).

~~**16.1(5) School operations manual.** The school operations manual contains the policies governing the internal administrative operation of the school. It is available for public inspection in the school's business office, superintendent's office, and in the office of the state board of regents.~~

ITEM 9. Amend rule ~~681—~~16.6(262) as follows:

**681—16.6(262) Forms.** The school uses the following forms in its relations with the public. They are available from the superintendent's office, Iowa School for the Deaf, 3501 Harry Langdon Blvd., Council Bluffs, Iowa 51503-7898.

Application for student admission

~~Gymnastics—waiver of liability for public participants~~

Facilities Request Form

Employment—application for employment

This rule is intended to implement Iowa Code section 262.7.

ITEM 10. Amend rule ~~681—~~16.8(262) as follows:

**681—16.8(262) Transportation.** Transportation from the institution to the residence of the parents or guardians and return to the institution for children enrolled in the Iowa School for the Deaf shall be reimbursed or provided as follows:

1. No change.

2. ~~Not more than 11 trips per year shall be provided by chartered bus for children who attend the school and live outside the Council Bluffs area.~~ Transportation for children who attend the school and live outside the Council Bluffs area shall be provided in accordance with special education law.

This rule is intended to implement Iowa Code section 262.7.